IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CR-12-BO

UNITED STATES OF AMERICA	)		
	)		
v.	)	**ORDER**	
	)		
ROGER DALE RAY	)		

Defendant, Roger Ray, moves for reconsideration under 18 U.S.C. § 3742(e) and for downward departure. Defendant was sentenced on March 6, 2008, to 130 months' imprisonment after pleading guilty to a charge of conspiracy to commit money laundering and to engage in monetary transactions relating to property derived from unlawful activity. 18 U.S.C. § 1956(h) and 1957. Defendant now seeks a reduction in his sentence due to his laborious efforts to rehabilitate.
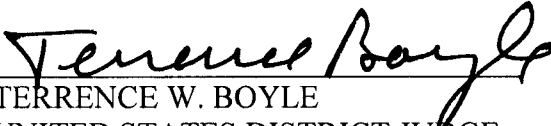
DISCUSSION

At the outset, the Court notes that 18 U.S.C. § 3742(e), relating to review of a sentence by an appropriate court of appeals, provides no basis for this Court to review defendant's sentence. 18 U.S.C. § 3582(c) provides that a term of imprisonment may be modified upon motion by the Bureau of Prisons, motion by the government under Rule 35 of the Federal Rules of Criminal Procedure, where such modification is expressly provided for by statute, or where the Sentencing Commission has lowered the sentencing range applicable to the defendant at the time of sentencing. 18 U.S.C. § 3582(c)(1)-(2). None of the circumstances required for a modification under this provision are present in this case. Moreover, the Court has previously denied defendant's motion for reduction based on Amendment 782 to the U.S. Sentencing

Guidelines as the amendment lowered only the sentencing ranges for drug offenses; defendant was convicted of a money laundering offense. Therefore, the Court is without authority to modify defendant's sentence. *See* 18 U.S.C. § 3582(c); *Walters v. United States*, 495 F.Supp.2d 577, 578 (S.D.W.Va. 2006).

CONCLUSION

For the foregoing reasons, defendant's motion for downward departure and motion for reconsideration [DE 191&192] are DENIED.

SO ORDERED, this _11_ day of May, 2015.

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TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

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